



## Ontario: Revised Statutes

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1980

# c 500 Tile Drainage Act

Ontario

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## CHAPTER 500

## Tile Drainage Act

## 1. In this Act,

Interpre-  
tation

- (a) "drainage work" means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;
- (b) "municipality" means a city, town, village, township or improvement district;
- (c) "prescribed" means prescribed by the regulations made under this Act. 1971, c. 37, s. 1.

2.—(1) Subject to sections 64 and 65 of the *Ontario Municipal Board Act*, the council of a municipality may pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of drainage works and the issuance of debentures in the prescribed form by the municipality or by a district or regional municipality on its behalf.

Borrowing  
powers of  
municipali-  
ties  
R.S.O. 1980,  
c. 347

(2) Within four weeks after the passing of a by-law under subsection (1), the clerk of the municipality shall register a duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the land registry office for the registry division in which the municipality is situated or, if the municipality comprises two or more registry divisions, in one of them.

Registration  
of by-law

(3) Every by-law registered in accordance with subsection (2), unless an application or action to quash the by-law is made or brought in a court of competent jurisdiction within four weeks after the registration, is valid and binding according to its terms.

When by-law  
to be valid,  
where no  
application  
to quash

(4) If an application or action to quash the by-law is made or brought within four weeks of the registration of the by-law and is dismissed, a certificate of the dismissal shall be

Where  
application  
to quash  
dismissed

registered in the land registry office in which the by-law was registered, and, after such dismissal, the by-law is valid and binding according to its terms.

Offer to  
sell  
debentures  
to the  
Province

(5) After the expiration of four weeks from registration of the by-law under subsection (2), a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought, or, if an application or action has been made or brought, that it has been dismissed and the certificate of such dismissal has been registered, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario. 1971, c. 37, s. 2.

Application  
by owner  
for loan

3.—(1) An owner of agricultural land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing a drainage work on such agricultural land.

Members of  
council not  
disqualified  
by loan

(2) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest. 1971, c. 37, s. 3 (1, 2).

Discretion  
of council

(3) The approval of any application under subsection (1) is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant. 1971, c. 37, s. 3 (3).

Appeal  
to The  
Ontario  
Drainage  
Tribunal  
R.S.O. 1980,  
c. 126

(4) Where the council refuses an application or reduces the amount applied for, the applicant may appeal to The Ontario Drainage Tribunal established under the *Drainage Act* by serving upon the clerk of the municipality written notice of appeal within twenty days of the delivery of the notice of decision referred to in subsection (3).

Tribunal may  
confirm or  
alter  
decision of  
council

(5) Upon an appeal to the Tribunal under subsection (4), the Tribunal may confirm or alter the decision of the council and may make such order as it considers proper. 1975, c. 80, s. 1 (2).

Coming into  
force of  
subss. (4, 5)

(6) Subsections (4) and (5) do not come into force until a day to be named by proclamation of the Lieutenant Governor.

(7) On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is amended by striking out "whose decision is final" in the second line. 1975, c. 80, s. 8. Amendment to subs. (3)

4. The council of a municipality borrowing money under this Act shall employ an inspector of drainage who shall inspect the drainage work and file with the clerk an inspection and completion certificate in the prescribed form, together with a sketch indicating the location, spacing, direction and depth of the tile as laid, and the cost of such services by the inspector shall be charged against the drainage work inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7. 1971, c. 37, s. 4; 1975, c. 80, s. 2. Appointment of inspector

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district or regional municipality, the council may request the district or regional municipality to issue the debenture on its behalf. 1971, c. 37, s. 5 (1). Debentures may be issued after receipt of inspector's certificate

(2) A municipality, or a district or regional municipality, on behalf of one or more municipalities, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality or municipalities with respect to a number of drainage works. 1975, c. 80, s. 3. Municipality not to issue more than one debenture per month

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued nor 75 per cent of the total cost of the drainage work or works with respect to which the debenture is issued. Amount of debentures

(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council. Interest rates on debentures

(5) The term of the debentures shall be for a period of ten years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture. Term of debentures

(6) The debentures shall provide that the municipality or district or regional municipality, as the case may be, may at any time prepay the whole amount of principal and interest owing at the time of such prepayment. Prepayment

Date of  
debentures

(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.

Offer to  
sell

(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario. 1971, c. 37, s. 5 (3-8).

Purchase and  
validation of  
debentures

6. The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund. 1971, c. 37, s. 6.

Terms on  
which  
council  
shall lend  
money

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of ten years at a rate of interest equal to that set out in the debenture by which the funds are borrowed, but the amount loaned to any one applicant shall not exceed the amount applied for nor 75 per cent of the total cost of the drainage work with respect to which the loan is made. 1971, c. 37, s. 7.

Collection  
of special  
rate

8. The council shall impose by by-law in the prescribed form and, subject to section 13, shall levy and collect for the term of ten years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in ten years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of the *Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply. 1971, c. 37, s. 8.

R.S.O. 1980,  
c. 302

Repayment  
where land  
use is  
changed

9.—(1) Where, at any time before a loan is repaid, the council of a municipality is satisfied that the land is no longer being used for agriculture, the balance of the loan, together with interest thereon, shall become immediately due and payable and such amount may be added to the taxes for the current year.

Amounts  
to be  
remitted  
to  
Treasurer

(2) Any amounts collected under subsection (1) shall forthwith be remitted to the Treasurer of Ontario or his assignee who shall apply them towards payment of the debentures of the municipality or district or regional municipality. 1975, c. 80, s. 4.

Repayment  
by municipi-  
pality to  
Province

10.—(1) The amount payable in each year for principal and interest shall be remitted to the Treasurer of Ontario,

(a) in the case of debentures issued prior to the 1st day of September, 1971, not later than the 10th day of the month next following the month in which the payment fell due; and

(b) in the case of debentures issued on or after the 1st day of September, 1971, on or before the due date. 1975, c. 80, s. 5.

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council. 1971, c. 37, s. 9 (2). Interest when default in payment

**11.**—(1) The Minister of Agriculture and Food, subject to the approval of the Lieutenant Governor in Council may, from time to time, prescribe the manner in which drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which loans may be made to persons out of the moneys appropriated therefor by the Legislature. Loans in territory without municipal organization

(2) The amount loaned to any one person under subsection (1) shall not exceed 75 per cent of the total cost of the work and shall constitute a lien upon the estate or interest of the owner in the land upon which the work was done and where repayment of the amount so loaned is in default such amount may be deducted from any moneys payable by Ontario to the person under any other Act and may be recovered by proceedings in any court of competent jurisdiction. Lien

(3) The moneys required for the purposes of this section shall be paid out of the moneys appropriated therefor by the Legislature. 1975, c. 80, s. 6. Expenditure

**12.**—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining. Sale of part of land with respect to which money lent

(2) The clerk of the municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment. Notice

(3) The council in making the apportionment shall have regard to the effect of the drainage work on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final. Apportionment of rate

**Filing of  
order of  
apportion-  
ment**

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment. 1971, c. 37, s. 10.

**Discharge of  
indebtedness  
by owner**

**13.** The owner of agricultural land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed, and any amounts so paid shall be forthwith remitted by the treasurer of the municipality to the Treasurer of Ontario or his assignee who shall apply them towards payment of the debentures of the municipality or district or regional municipality. 1971, c. 37, s. 11; 1975, c. 80, s. 7.

**Regulations**

**14.** The Lieutenant Governor in Council may make regulations for the purposes of this Act prescribing forms and defining any word or expression not defined in this Act. 1971, c. 37, s. 12.